

CLOSED,BKREF,ECF,RELATED

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-09365-AKH

Genger v. Genger et al
Assigned to: Judge Alvin K. Hellerstein
Related Case: 1:19-cv-09319-AKH
Cause: 28:1452 R&R re motions to remand (non-core)

Date Filed: 10/09/2019
Date Terminated: 02/18/2020
Jury Demand: None
Nature of Suit: 380 Personal Property:
Other
Jurisdiction: Federal Question

Petitioner

Dalia Genger
trustee of the Orly Genger 1993 Trust

represented by **Judith Lisa Bachman**
Solo Practice
100 Park Avenue, 16th Floor
New York, NY 10017
845-639-3210
Fax: 845-634-5410
Email: jlbesq_99@yahoo.com
ATTORNEY TO BE NOTICED

Petitioner

Orly Genger 1993 Trust

represented by **Adam Lewis Pollock**
Pollock Cohen LLP
60 Broad Street, 24th Floor
New York, NY 10004
212-337-5361
Email: Adam@PollockCohen.com
ATTORNEY TO BE NOTICED

V.

Respondent

Orly Genger

represented by **Michael Paul Bowen**
Kasowitz, Benson, Torres LLP (NYC)
1633 Broadway
New York, NY 10019
(212)506-1700 x1903
Fax: (212)506-1800
Email: mbowen@kasowitz.com
ATTORNEY TO BE NOTICED

Respondent

Arie Genger

Respondent

Glenclova Investment Company

Respondent

TR Investors, LLC

Respondent

New TR Equity I, LLC

Respondent

New TR Equity II, LLC

Respondent

Trans–Resources, Inc.

Respondent

Arnold Broser

Respondent

David Broser

Respondent

John Does

1–20

Respondent

Jane Does

1–20

Trustee

Deborah J. Piazza

*Successor Chapter 7 Trustee of the
bankruptcy estate of Orly Genger*

Date Filed	#	Page	Docket Text
10/09/2019	<u>1</u>		NOTICE OF REMOVAL from Surrogates Court, County of New York. Case Number: 2008–0017/E. (Filing Fee \$ 400.00, Receipt Number ANYSDC–17746345).Document filed by Orly Genger. (Attachments: # <u>1</u> Exhibit 1 Petition for Turnover of Trust Property and Other Relief (6/14/16), # <u>2</u> Exhibit 2 Exhibits to Petition for Turnover of Trust Property (6/14/16), # <u>3</u> Exhibit 3 Attorney Affirmation Amending Caption (6/27/17), # <u>4</u> Exhibit 4 Attorney Affirmation Amending Caption (12/13/17), # <u>5</u> Exhibit 5 Affidavit of Service – Trump Group (1/08/18), # <u>6</u> Exhibit 6 Affidavit of Service – D. Broser (1/23/18), # <u>7</u> Exhibit 7 Affidavit of Service – O. Genger (1/23/18), # <u>8</u> Exhibit 8 Affirmation of L. Friedman in Support of Motion to Dismiss By Respondent A. Genger (2/04/18), # <u>9</u> Exhibit 9 Notice of Motion to Dismiss by Respondent Arie Genger (2/05/18), # <u>10</u> Exhibit 10 O. Genger Notice of Motion to Dismiss (2/06/18), # <u>11</u> Exhibit 11 Memo in Support of Respondent O. Genger's Motion to Dismiss (2/06/18), # <u>12</u> Exhibit 12 Affirmation of M.

		<p>Bowen in Support of O. Genger's Motion to Dismiss (2/06/18), # <u>13</u> Exhibit 13 TR Entities' Notice of Motion (2/06/18), # <u>14</u> Exhibit 14 Memo of Law in Support of TR Entities' Motion to Dismiss (2/06/18), # <u>15</u> Exhibit 15 Affirmation of M. Hirsch in Support of TR Entities' Motion to Dismiss (2/06/18), # <u>16</u> Exhibit 16 Broser's Notice of Motion to Dismiss Petition (2/06/18), # <u>17</u> Exhibit 17 Affirmation in Support of Respondents A. Broser and D. Broser Motion to Dismiss (2/06/18), # <u>18</u> Exhibit 18 Revised Notice of Motion to Dismiss by Respondent A. Genger (2/06/18), # <u>19</u> Exhibit 19 Citation (2/06/18), # <u>20</u> Exhibit 20 Affidavit of Service (2/08/18), # <u>21</u> Exhibit 21 Notice of Cross-Motion (2/23/18), # <u>22</u> Exhibit 22 Memo of Law in Opp. to Respondents' Motions to Dismiss and in Support of Petitioner's Cross-Motion (2/23/18), # <u>23</u> Exhibit 23 Affirmation of J. Bachman in Opposition (2/23/18), # <u>24</u> Exhibit 24 Reply Memo of Law in Support of O. Genger's Motion to Dismiss (2/26/18), # <u>25</u> Exhibit 25 Reply Memo of Law in Support of TR Entities' Motion to Dismiss (2/26/18), # <u>26</u> Exhibit 26 Reply Affirmation in Further Support of Broser Respondents' Motion to Dismiss (2/26/18), # <u>27</u> Exhibit 27 Reply Affirmation of L. Friedman in Support of Motion to Dismiss by Respondent A. Genger (2/26/18), # <u>28</u> Exhibit 28 Supp. Affirmation of J. Bachman in Opposition (2/27/18), # <u>29</u> Exhibit 30 Amended Petition for Turnover of Trust Property and Other Relief (4/13/18), # <u>30</u> Exhibit 30 Affirmation of Service of Amended Petition (4/25/18), # <u>31</u> Exhibit 31 Notice of Motion to Dismiss by Respondent A. Genger (5/04/18), # <u>32</u> Exhibit 32 Affirmation of L. Friedman in Support of Motion to Dismiss by Respondent A. Genger (5/04/18), # <u>33</u> Exhibit 33 Notice of Motion to Dismiss Amended Petition – O. Genger (5/07/18), # <u>34</u> Exhibit 34 Memo of Law in Support of Respondent O. Genger's Motion to Dismiss (5/07/18), # <u>35</u> Exhibit 35 Affirmation of M. Bowen in Support of O. Genger Motion to Dismiss (5/07/18), # <u>36</u> Exhibit 36 Notice of Motion to Dismiss – TR Entities' (5/07/18), # <u>37</u> Exhibit 37 Memo of Law in Support of TR Entities' Motion to Dismiss (5/07/18), # <u>38</u> Exhibit 38 Affirmation of J. Boyle in Support of the TR Entities' Motion to Dismiss (5/07/18), # <u>39</u> Exhibit 39 Notice of Motion to Dismiss Amended Petition – Broser (5/15/18), # <u>40</u> Exhibit 40 Affirmation in Support of Respondents A. Broser and D. Broser Motion to Dismiss (5/15/18), # <u>41</u> Exhibit 41 Notice of Cross-Motion (5/23/18), # <u>42</u> Exhibit 42 Petitioner D. Genger's Memo of Law in Opp to Motions to Dismiss and in Support of Cross-Motion (5/23/18), # <u>43</u> Exhibit 43 Affirmation of J. Bachman in Opposition (5/23/18), # <u>44</u> Exhibit 44 Stipulation (5/30/18), # <u>45</u> Exhibit 45 Reply Memo in Support of O. Genger's Motion to Dismiss and in Opp. to Cross-Motion (6/14/18), # <u>46</u> Exhibit 46 Reply Affirmation of L. Friedman in Support of Motion to Dismiss the Amended Petition by Respondent A. Genger (6/14/18), # <u>47</u> Exhibit 47 Reply Memo of Law in Support of the TR Entities' Motion to Dismiss the Amended Petition (6/14/18), # <u>48</u> Exhibit 48 Notice of Discontinuance (6/20/19), # <u>49</u> Exhibit 49 Notice of Appearance (7/02/19), # <u>50</u> Exhibit 50 Notice of Bankruptcy (7/16/19), # <u>51</u> Exhibit 51 Decision (8/20/19))(Bowen, Michael) (Entered: 10/09/2019)</p>
10/09/2019	<u>2</u>	CIVIL COVER SHEET filed. (Bowen, Michael) (Entered: 10/09/2019)
10/09/2019	<u>3</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 19-cv-9319. Document filed by Orly Genger.(Bowen, Michael) (Entered: 10/09/2019)
10/10/2019		

		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (dnh) (Entered: 10/10/2019)
10/10/2019		Case Designated ECF. (dnh) (Entered: 10/10/2019)
10/10/2019		CASE REFERRED TO Judge Alvin K. Hellerstein as possibly related to 1:19-cv-09319-AKH. (dnh) (Entered: 10/10/2019)
10/15/2019		CASE ACCEPTED AS RELATED. Create association to 1:19-cv-09319-AKH. Notice of Assignment to follow. (wb) (Entered: 10/15/2019)
10/15/2019		NOTICE OF CASE REASSIGNMENT to Judge Alvin K. Hellerstein. Judge Unassigned is no longer assigned to the case. (wb) (Entered: 10/15/2019)
10/15/2019		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (wb) (Entered: 10/15/2019)
10/17/2019	<u>4</u>	NOTICE of Statement pursuant to Bank. P. 9027(e)(3). Document filed by Dalia Genger. (Attachments: # <u>1</u> Certificate of Service)(Bachman, Judith) (Entered: 10/17/2019)
10/21/2019	<u>5</u>	NOTICE of Statement pursuant to Rule 9027(e)(3) re: <u>1</u> Notice of Removal,,,,,,,,,,,,,, Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 10/21/2019)
10/22/2019	<u>6</u>	MOTION to Transfer Case . Document filed by Orly Genger.(Bowen, Michael) (Entered: 10/22/2019)
10/22/2019	<u>7</u>	MEMORANDUM OF LAW in Support re: <u>6</u> MOTION to Transfer Case . . Document filed by Orly Genger. (Bowen, Michael) (Entered: 10/22/2019)
10/22/2019	<u>8</u>	NOTICE of Statement pursuant to Rule 9027(e)(3) (corrected) re: <u>5</u> Notice (Other). Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 10/22/2019)
10/23/2019	<u>9</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>6</u> MOTION to Transfer Case . to November 6, 2019 addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Oct. 23, 2019. Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 10/23/2019)
10/24/2019	<u>10</u>	ORDER granting <u>9</u> Letter Motion for Extension of Time to File Response/Reply re <u>6</u> MOTION to Transfer Case . So Ordered. (Responses due by 11/6/2019.) (Signed by Judge Alvin K. Hellerstein on 10/24/19) (yv) (Entered: 10/24/2019)
11/06/2019	<u>11</u>	MEMORANDUM OF LAW in Opposition re: <u>6</u> MOTION to Transfer Case . (motion to transfer is moot). Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 11/06/2019)
11/08/2019	<u>12</u>	MOTION to Remand to State Court . Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 11/08/2019)
11/08/2019	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Remand to State Court . . Document filed by Orly Genger 1993 Trust. (Pollock, Adam) (Entered: 11/08/2019)

		11/08/2019)
11/12/2019	<u>14</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION to Remand to State Court . addressed to Judge Alvin K. Hellerstein from Michael P. Bowen dated November 12, 2019. Document filed by Orly Genger.(Bowen, Michael) (Entered: 11/12/2019)
11/12/2019	<u>15</u>	LETTER addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Nov. 12, 2019 re: Kasowitz letter of Nov. 12 (ECF No. 14). Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 11/12/2019)
11/12/2019	<u>16</u>	ORDER granting <u>14</u> Letter Motion for Extension of Time to File Response/Reply: So ordered. (Signed by Judge Alvin K. Hellerstein on 11/12/2019) (jwh) (Entered: 11/12/2019)
11/12/2019	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Remand to State Court . . Document filed by Dalia Genger. (Bachman, Judith) (Entered: 11/12/2019)
11/25/2019	<u>18</u>	NOTICE OF APPEARANCE by Judith Lisa Bachman on behalf of Dalia Genger. (Bachman, Judith) (Entered: 11/25/2019)
12/23/2019	<u>19</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION to Remand to State Court . (<i>seeking 2nd 45-day adjournment of opposition, on behalf of newly-appointed Trustee</i>) addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Dec. 23, 2019. Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 12/23/2019)
12/23/2019	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time to File Response/Reply. So Ordered. (Signed by Judge Alvin K. Hellerstein on 12/23/19) (yv) (Entered: 12/23/2019)
12/23/2019	<u>21</u>	LETTER addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Dec. 23, 2019 re: correcting the previous letter (dkt. #19). Document filed by Orly Genger 1993 Trust.(Pollock, Adam) (Entered: 12/23/2019)
02/05/2020	<u>22</u>	LETTER MOTION for Extension of Time (<i>seeking 3rd 45-day adjournment of opposition and transfer to 19-br-13985, on behalf of newly-appointed Trustee</i>) addressed to Judge Alvin K. Hellerstein from Adam Pollock dated Feb. 5, 2020. Document filed by Orly Genger 1993 Trust..(Pollock, Adam) (Entered: 02/05/2020)
02/05/2020	<u>25</u>	ORDER terminating <u>22</u> Letter Motion for Extension of Time. As stated in my Individual Rules, See Rule 2.B, I do not accept letter motions. If the parties wish to transfer the case, they must file a motion or joint stipulation. (Signed by Judge Alvin K. Hellerstein on 2/5/20) (yv) (Entered: 02/13/2020)
02/07/2020	<u>23</u>	LETTER addressed to Judge Alvin K. Hellerstein from Rocco A. Cavaliere, Esq. dated February 7, 2020 Document filed by Deborah J. Piazza..(Cavaliere, Rocco) (Entered: 02/07/2020)
02/10/2020	<u>24</u>	LETTER addressed to Judge Alvin K. Hellerstein from Judith Bachman, Esq. dated February 10, 2020 re: Stipulation for extension of time. Document filed by Dalia Genger..(Bachman, Judith) (Entered: 02/10/2020)
02/14/2020	<u>26</u>	

		LETTER addressed to Judge Alvin K. Hellerstein from Rocco A. Cavaliere, Esq. dated 2/14/2020 re: Response to the Court's Order Regulating Proceedings dated February 11, 2020. Document filed by Deborah J. Piazza..(Cavaliere, Rocco) (Entered: 02/14/2020)
02/18/2020	<u>27</u>	JOINT STIPULATION AND ORDER CONFIRMING REFERRAL OF REMOVED SURROGATE COURT ACTIONS TO BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK: NOW, upon all pleadings and proceedings heretofore had herein, the parties to this Stipulation, by their respective counsel, agree to the following: 1. The Removed Surrogate Court Actions, including the determination of the pending Remand Motions, shall be referred to the Bankruptcy Court for further determination by the Bankruptcy Court. 2. The Orly Genger Trust disputes that the Removed Surrogate Court Actions arise under Title 11 or arise in or are related to a case under Title 11, and reserves all rights concerning the arguments made in its Remand Motions. The Orly Genger Trust's consent to referral of the Removed Surrogate Court Actions to the Bankruptcy Court who will consider the Remand Motions should not be deemed a waiver of any arguments the Trust may have concerning the Bankruptcy Court's lack of jurisdiction over the Removed Surrogate Court Actions. 3. The Trustee shall have until March 31, 2020 to respond to the Remand Motions. The Orly Genger Trust shall have until April 24, 2020 to reply to any responses received to the Remand Motions, as further set forth in this Order. (Signed by Judge Alvin K. Hellerstein on 2/18/2020) (mml) (Entered: 02/18/2020)
02/18/2020		Set/Reset Deadlines: Responses due by 3/31/2020 Replies due by 4/24/2020. (mml) (Entered: 02/18/2020)
02/18/2020		Transmission to the Civil Case Openings Clerk. Transmitted re: <u>27</u> Stipulation and Order to the Civil Case Openings Clerk for case processing. (mml) (Entered: 06/18/2020)
02/18/2020		Transmission to Office of the Clerk of Court. Transmitted re: <u>27</u> Stipulation and Order to the Office of the Clerk of Court for processing. (mml) (Entered: 06/18/2020)
02/18/2020		CASE NOT TRANSFERRED TO WDTX. CASE TRANSFERRED TO USBC–SDNY – CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – Western District of Texas. This case is being transferred to the Western District of Texas to be decided in connection with and decided by the Bankruptcy Court in the WDTX (pursuant to directions from Chambers). (mml) Modified on 6/22/2020 (gp). (Entered: 06/18/2020)
06/19/2020	<u>28</u>	DUPLICATE ORIGINAL AMENDED STANDING ORDER REFERRING CASE to Bankruptcy Court as related to Bankruptcy Court Case No. 19–13895. Pursuant to 28 U.S.C. Section 157(a) any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district. (See 1:12–mc–00032 (M–10–468) Order Filed February 1, 2012) (Signed by Judge Loretta A. Preska on 1/31/2012) (gp) (Entered: 06/19/2020)
06/22/2020		USBC CASE NUMBER 20–1188 (JLG)..(gp) (Entered: 06/22/2020)

MIME-Version:1.0
From:NYSD_ECF_Pool@nysd.uscourts.gov
To:CourtMail@localhost.localdomain
Bcc:
--Case Participants: Michael Paul Bowen (autodocket@kasowitz.com, courtnotices@kasowitz.com, mbowen@kasowitz.com), Judith Lisa Bachman (jlbesq_99@yahoo.com), Adam Lewis Pollock (adam@pollockcohen.com), Deborah J. Piazza (dpiazza@tarterkrinsky.com), Judge Unassigned (reportsecf_nysd@nysd.uscourts.gov), Judge Alvin K. Hellerstein (hellersteinnysdchambers@nysd.uscourts.gov, reportsecf_nysd@nysd.uscourts.gov)
--Non Case Participants: John Dellaportas (jdellaportas@emmetmarvin.com), John P. Boyle (joboyale@skadden.com)
--No Notice Sent:

Message-Id:24166214@nysd.uscourts.gov
Subject:Activity in Case 1:19-cv-09365-AKH Genger v. Genger et al Remark
Content-Type: text/html

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 6/22/2020 at 8:40 AM EDT and filed on 6/22/2020

Case Name: Genger v. Genger et al

Case Number: 1:19-cv-09365-AKH

Filer:

**WARNING: CASE CLOSED on
02/18/2020**

Document Number: No document attached

Docket Text:

USBC CASE NUMBER 20-1188 (JLG)..(gp)

1:19-cv-09365-AKH Notice has been electronically mailed to:

Michael Paul Bowen mbowen@kasowitz.com, autodocket@kasowitz.com, courtnotices@kasowitz.com

Judith Lisa Bachman jlbesq_99@yahoo.com

Adam Lewis Pollock Adam@PollockCohen.com

1:19-cv-09365-AKH Notice has been delivered by other means to: